IN THE HIGH COURT OF JUDICATURE AT BILASPUR [C.G.]

W.P. NO. 1977 OF 2004

PETITIONER

Ku. Rupal Gupta D/o. Jeevan Lal Gupta, aged about 19 years R/o. house No. 16/570 Ist Floor Jorapara, Phool Chowk, Raipur [C.G.]

VERSUS

RESPONDENTS

State of Chhattisgarh,
Through the Secretary,
Department of Education
Mantralaya D.K.S. Bhawan
Raipur [C.G.]

2. Chhattisgarh Board of
Secondary Education
Pension Bada, Raipur [C.G.]

3. Director,
Medical Education
D.K.S. Bhawan, Raipur [C.G.]

C.R. No. ..... Presented by Shri ..... Dated 13.12.04

PETITION UNDER ARTICLDE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS OF CERTIORARI AND MANDAMUS AND FURTHER WRITS AND DIRECTIONS.

XI-HC-22

(84)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. No. 1977 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

16-09-2004

Shri Somnath Verma with Shri Sandeep Dubey and Sushri Devika Bharti, Counsel for the Petitioner.

Shri Vinod Shrivastava, Govt. Advocate for the State/respondents No. 1 and 3.

Shri H.B. Agrawal, Counsel for respondent No.2 with Dr. V.K. Goel, Deputy Secretary, Chhattisgarh Board of Secondary Education.

Heard on I.A.No.4645/2004 for exemption from filing typed copies of the documents.

Not opposed.

The application is allowed. Exemption is granted from filing typed copies of the documents.

Heard.

It is submitted by learned counsel for respondent No.2 that so far as Chhattisgarh Board of Secondary Education is concerned, they are purely computerized and have maintained the answer sheets nicely.

So far as the revaluation of the answer sheet of the petitioner is concerned, in view of the judgment of the Apex Court in the case of ***Pramod Kumar Shrivastava Vs. Chairman, Bihar Public Service Commission, Patna and Others*** reported in ***2004 (6) Supreme 134***, there is no provision.

[पीछे देखिये

XI-HC-22

(25)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 10.9.1997 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Since the order was passed earlier on 04.9.2004, original book-lets (answer sheets) have been brought in sealed cover and produced. They are purely computerized. They were opened by the Deputy Secretary in the presence of counsel for the petitioner Shri Somnath Verma, Shri Sandeep Dubey and Sushri Devika Bharti and the answer sheets have been shown to them. Counsel for the petitioners Shri Somnath Verma, Shri Sandeep Dubey and Sushri Devika Bharti had seen and nothing has been pointed out by them. They are satisfied. However, Shri Dubey made a request that the petitioner is not present today, she may be permitted to see the answer sheet and the hearing may be adjourned. It is stated that the petitioner had gone to Bangalore and could not come because of disruption in trains, etc. The prayer is vehemently opposed by learned counsel for respondent No.2 on the ground that that the answer sheets are the confidential documents and they have been brought in sealed cover by the Deputy Secretary and he is waiting since morning to produce these documents and pursuant to Court direction, they have been shown to the counsel appearing in the matter and they are fully satisfied. He stated that the Secretary may be allowed to take back the answer sheets as they are confidential documents and be returned to him. It is further submitted that the Deputy Secretary cannot stay further because the officer is required to do important jobs on behalf of the Board.	

[पीछे देखिये

(86)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक 2.9.1977 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Return has been filed on behalf of respondent no.2 in which it has been stated that result has been declared and communicated to the individual and there is no malice or any partiality. In paragraphs 5.2 and 5.6 it has been stated as under:

5.2 *"The question paper recalled from memoray as Annexure P-6 is not correct because bubble marks are given in the answer sheet an the same is being file herewith in seale cover in pursuance of the court orer ate 06.9.2004 an 13.9.2004, the examinee/ petitioner has not answere the complete questions aske in the paper of Physics because answers of question no.3 to 7, 15 to 17, 19 to 22, 34, 37, 42 to 46, 48, 52 to 55, 57, 58, 61, 77 to 79, 81 to 84, 90, 96 and 100 (total of 37 questions were not attempte), likewise in other paper also she has not one according to her memory, because in Chemistry 2 questions have not been attempte, while 40 questions were wrongly answered and she secured marks for 58 correct answers, therefore, the courts should slow in asking re-opening of answerbooks which are confidential and secret like ballot paper and the examinee should be discouraged, since the answers are not explanatory, but based on dot marking only and the only things are to be seen whether proper dots were made or not and correctly dots were made or not because the answerbooks are put in topo machine and by topography (means method of throwing light in answer books from glass and getting scanned the numbers thereby given by scanning, which is complete mechanical and computerized method). Therefore, there is no malice and partiality because there is no involvement of man power and the question not attempted in answer books are kept blank by the examinee/petitioner herself*

[पीछे देखिये

(8)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P 1977 सन् 2005

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -4-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

and not by other man. Pariksha (in Sanskrit Par + Ichha means not the will and whim of the examinee but the examiner, if such a thing is interfered by the Courts then it will not be pariksha but it will become students Ichha with the interference of Court)"

5.6 *Self assessment is the only ground for filing the petition and the answer book has been summoned which is being produced in sealed cover, looking to the method of valuation, which involves no manning except operator of topography cum computer machine only, therefore the notice Annexure P-11, is not disputed. However it is submitted that she is making the wastage of court's time by calling answer book, therefore, precious time of Court be adequately compensated by imposing exemplary costs, so that revaluation petitions can be discouraged.*

So far as the hearing in the matter is concerned, the documents have already been shown. No case for revaluation is made out in view of the judgment of the supreme Court in Pramod Kumar Shrivastava (supra). However, since it has already been seen by counsel and none has been able to point out/manipulation ~~as alleged by the petitioner~~ by defect

Since the answer sheets have been shown to the counsel, these answer sheets are sealed by the Office and they may be taken in original.

[पीछे देखिये

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P. 1977 सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -5-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Now learned counsel for the petitioner made a submission that the petitioner may be allowed to see the answer papers in the Office of the Board.

So far as showing the answer sheets to the petitioner as prayed by counsel for the petitioner is concerned, suffice to say that the petitioner is represented through the counsel and the documents have been shown to the counsel, this Court would not like to issue any direction to the Board for that purpose. It is, however, left to the Board to deal with the matter in case the petitioner makes an application and on such an application being filed, it shall be open to the Board to show the answer sheets to her.

Accordingly, the petition stands disposed of.

Consequently, M.W.P.No.1778/2004 also stands disposed of.

C.C. as per rules.

Sd/-
Fakhruddin
Judge

(Rao)

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